

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:10-CV-156-GCM

CTS CORPORATION,)
)
Plaintiff,)
)
v.)
)
MILLS GAP ROAD ASSOCIATES, et al.,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court upon the Joint Motion to Dismiss and Notice of Partial Settlement re Slosman Estate [Doc. No. 74]; and on the Memorandum and Recommendation of the Honorable Dennis L. Howell, United States Magistrate Judge, [Doc. No. 79] regarding the disposition of the joint motion. Plaintiff brought this action against Defendants asserting claims for breach of contract, declaratory relief and payment on a promissory note.

By Memorandum and Recommendation (M & R), Magistrate Judge Howell recommends that this Court grant the motion and dismiss with prejudice all the claims asserted by Plaintiff CTS Corporation against Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman.

Although the time for filing objections to the Magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) has not yet expired, this Court will adopt the Magistrate's Report and Recommendation because the underlying motion was filed with the consent of the Plaintiff and the applicable Defendants (the Slosman Estate) and the remaining Defendants consent to the dismissal of the Slosman Estate.

Therefore, the Court concludes that the recommendation to grant the motion and

dismiss with prejudice all the claims asserted by Plaintiff CTS Corporation against Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman is correct and in accordance with the law. Accordingly, the findings and conclusions of the magistrate are accepted.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation of Magistrate Judge Howell [Doc. No. 79] is hereby AFFIRMED and the Joint Motion to Dismiss and Notice of Partial Settlement re Slosman Estate [Doc. No. 74] is GRANTED and all claims asserted by Plaintiff CTS Corporation against Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson, in their capacity as Co-Executors/Executrix of the Estate of Frederick N. Slosman are **DISMISSED with prejudice**. The Clerk is directed to terminate Defendants Ellen R. Slosman, Richard C. Slosman, and Judy D. Thompson in their capacity as co-Executors/Executrix of the Estate of Frederick N. Slosman.

SO ORDERED.

Signed: May 2, 2013



Graham C. Mullen
United States District Judge

